

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Michelle MacDonald Shimota,

Case No. 15-cv-1590 (JRT/KMM)

Plaintiff,

v

**PLAINTIFF'S RESPONSES TO  
DEFENDANTS' REQUESTS  
FOR ADMISSIONS TO  
PLAINTIFF (SET I)**

Bob Wegner, *et al.*

Defendants.

**TO: DEFENDANTS BOB WEGNER, ET.AL, AND THEIR ATTORNEYS OF  
RECORD, JEFFREY A. TIMMERMAN AND HELEN BROSNAHAN.**

Plaintiff Michelle MacDonald Shimota, for her Responses to Defendants'

Request for Admissions to Plaintiff (Set I), responds as follows:

1. At the time you were arrested on September 12, 2013, you were not wearing the  
Necklace.

**RESPONSE:** Deny. It is assumed that this Request means to reference "a" necklace.

In any event, Plaintiff was wearing a necklace at the time she was arrested.

2. At the time you were arrested on September 12, 2013, you were not wearing the  
cross pendant referenced in the First Amended Complaint.

**RESPONSE:** Deny.

3. A necklace was returned to you upon your release from the Jail on September 13,  
2013.

**RESPONSE:** Deny. The chain of the necklace was returned, but the cross, which was



part of the necklace, was not returned.

4. On September 12 and/or September 13, 2013, you failed or refused to answer questions asked of you by Jail staff.

**RESPONSE:** Plaintiff can neither admit nor deny this Request without specificity as to what questions are referenced.

5. On September 12 and/or September 13, 2013, you failed or refused to cooperate in the booking process at the Jail.

**RESPONSE:** Plaintiff can neither admit nor deny this Request since the words “failed or refused to cooperate” are not defined – nor are the acts presumably referenced specifically delineated.

6. On September 12 and/or September 13, 2013, you failed or refused to stand of your own volition to be photographed at the Jail.

**RESPONSE:** Deny. This Request is objected to since it assumes facts not in evidence. Plaintiff was in fact photographed at the jail. Plaintiff at this time does not recall falling or refusing to stand of her own volition.

7. On September 12 and/or September 13, 2013, you failed or refused to answer questions asked of you by Jail staff regarding whether you had ever been exposed to Tuberculosis.

**RESPONSE:** Deny. This Request is objected to since it assumes facts not in evidence. Plaintiff does not recall any inquiry about Tuberculosis.

8. You were placed in a negative pressure cell at the Jail because you failed or refused to answer questions asked of you by Jail staff regarding whether you had

ever been exposed to Tuberculosis.

**RESPONSE:** Plaintiff can neither admit nor deny this Request since she does not know the answer. In addition, see the Responses to Requests #7 and 9.

9. You were informed by Jail staff that you were being placed in a negative pressure cell at the Jail because you failed or refused to answer questions regarding whether you had ever been exposed to Tuberculosis.

**RESPONSE:** Deny. Plaintiff does not recall being told that, and the Request is objected to because it assumes facts not in evidence.

10. On September 12 and/or September 13, 2013, you used or attempted to use toilet paper in your Jail cell to wrap all or part of your body.

**RESPONSE:** Admit.

11. On September 12 and/or September 13, 2013, you used or attempted to use toilet paper in your Jail cell for a purpose other than its normal or intended use.

**RESPONSE:** Admit.

12. On September 12 and/or September 13, 2013, you covered or attempted to cover yourself with a mattress in your Jail cell.

**RESPONSE:** Admit.

13. On September 12 and/or September 13, 2013, you crawled under or attempted to crawl under the mattress in your Jail cell.

**RESPONSE:** Plaintiff can neither admit nor deny this Request because she does not recall.

14. On September 12 and/or September 13, 2013, you used or attempted to use the

mattress in your Jail cell for a purpose other than its normal or intended use.

**RESPONSE:** Admit.

15. No Dakota County employee was inside your Jail cell when you used the in-cell toilet on September 12 Or September 13, 2013.

**RESPONSE:** Admit.

16. No Dakota County employee watched you use the toilet in your Jail cell on September 12 or 13, 2013.

**RESPONSE:** Plaintiff is not in a position to admit or deny this Request at this time since investigation and discovery are ongoing. This is a question more appropriately addressed to Dakota County employees. However, see the Response to Request #15.

17. You photographed Gonder inside a courtroom at the Dakota County Judicial Center in Hastings, Minnesota, on September 12, 2013.

**RESPONSE:** Admit, when court was not in session.

18. You consented to the seizure of your camera on September 12, 2013.

**RESPONSE:** Deny.

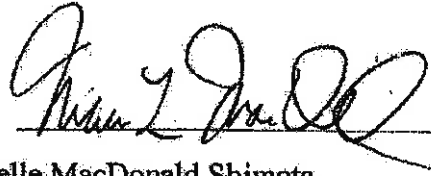
19. You consented to the search of your camera on September 12, 2013.

**RESPONSE:** Deny.

20. You have never sought or received medical treatment in connection with the conditions of your confinement at the Jail on September 12 or 13, 2013.

**RESPONSE:** This Request is objected to since the term "medical treatment" is not defined. Without waiving this objection, Plaintiff has received treatment from a mental health professional for the circumstances of the conduct of Defendants.

Dated: 6/30, 2016



Michelle MacDonald Shimota

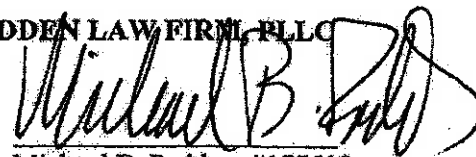
Subscribed and sworn to before me  
on this 30 day of June, 2016.

  
Notary Public

Dated: 7/5, 2016

PADDEN LAW FIRM, PLLC

By:



Michael B. Padden, #177519  
Eagle Point Business Park  
8673 Eagle Point Blvd., Suite B  
Lake Elmo, Minnesota 55042  
Telephone: (651) 789-6545  
Facsimile: (651) 433-7123

*Attorney for Plaintiff*